

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE NO. 191 OF 1994

For Approval of Signature :

Hon'ble MR. JUSTICE B.C. PATEL and
MR. JUSTICE R.R. JAIN

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1. Whether Reporters of Local Papers may be allowed to see the judgments ?
 2. To be referred to the Report or not ?
 3. Whether Their Lordships wish to see the fair copy of the judgment ?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any Order made thereunder ?
 5. Whether it is to be circulated to the Civil Judge ?
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Appearance :

Mr Manish Bhatt, Advocate for the Applicant.

Mr R K Patel, Advocate for the Respondent.

Coram : B.C. Patel & R.R. Jain, JJ.

Date of Decision : 11th July, 1996

Oral Judgment : (Per B.C. Patel, J.)

At the instance of Revenue, the following question has been referred to this Court under Sec. 256 (1) of the Income Tax Act, 1961 (hereinafter referred to as "the Act").

"Whether, the Appellate Tribunal is right in law and on facts in holding that there was no transfer in the present case and therefore, there was no taxable capital gains ?"

2. We have heard the counsels for both the parties. In view of the decision of this Court reported in 120 CTR 300, this question need not to be answered. This reference is disposed of accordingly with no order as to costs.
